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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,356	03/12/2004	Robert L. Chambers	M61.12-0601	6338
27366 7590 11/14/2008 WESTMAN CHAMPLIN (MICROSOFT CORPORATION) SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3244				
EXAMINER				
ABEBE, DANIEL DEMELASH				
ART UNIT		PAPER NUMBER		
2626				
MAIL DATE		DELIVERY MODE		
11/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,356

Applicant(s)

CHAMBERS ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Replacement Action:

This action is a replacement intended to correct an inadvertent omission.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The data structure as claimed is directed to non-statutory functional descriptive material that does not fall within one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101.

Response to Arguments

Applicant's arguments, filed on 7/21/08, with respect to the rejection(s) of claim(s) 1-15 under 102 by Gould have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gong et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gong et al. (20070179778).

As to claim 1, Gong teaches a method for recognizing speech, the method comprising:

Detecting/identifying a predefined prefix (category selector first voice field);

Note: here it should be noted that the claimed prefix when read in view of the spec means first input word for identifying a specific category.

Recognizing text from speech that follows the first voice field using a first grammar associated with the first voice field; and

Directing the recognized text (command) to a target associated with the first set of grammars (Pr.0004—0012; Par.0084; Par. 0212; section 2; Fig.14-22)

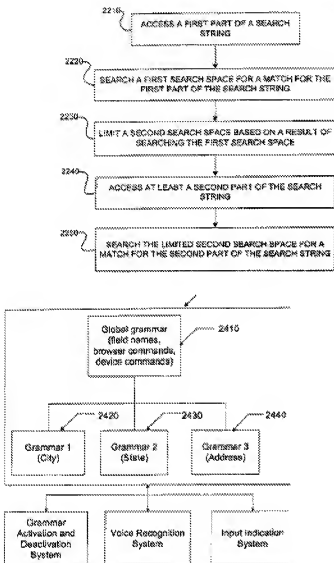
According to Gong, an implementation may include a first grammar activated from among a plurality of independent grammars, the first grammar being identified **with a first input category**. spoken data related to the first input category is input, and the spoken data is matched to stored data within the first grammar.

Gong explains where enhanced voice recognition accuracy due in part to the use of a structured grammar that allows a grammar to be narrowed to a relevant part for a particular voice recognition operation. For example, narrowing of the grammar for a voice recognition operation on a full search string may be achieved by using the results

of an earlier, or parallel, voice recognition operation on a component of the full search string. Other implementations may narrow the grammar by accepting parameters of a search string in a particular order from a user, and, optionally, using the initial parameter(s) to narrow the grammar for subsequent parameters.(Pr.0169).

Further Gong explains constraining the search grammar for the second word based on the first word (prefix)...

Accessing the first part of the search string may include accessing a voice input. Searching the first search space for the match may include performing voice recognition on the first part of the search string. Accessing at least the second part of the search string may include accessing the voice input. Limiting the second search space may include limiting the second search space to grammar entries associated with the first part of the search string. Searching the limited second search space may include performing voice recognition on at least the second part of the search string using the limited second search space, thereby allowing enhanced voice recognition of the second part of the search string compared to performing voice recognition using the unlimited second search space (Par.0173).



As to claims 2-3, Gong teaches where the grammars are specific to computer programs and the target is the computer program/application (Par.0013; Fig.23).

As to claims 4-6, Gong teaches where the "prefix" includes words or group of words/phrase (Par.0209).

As to claims 7-9, Gong teaches where the voice input representing the first search string (prefix) and the selected grammar are specified in a predetermined category (abstract).

As to claims 10-11, Gong teaches where the is executed upon computers and mobile device (Fig.1-10).

As to claims 13-15, the corresponding speech recognition where the process is adapted to perform the method claim is analogous to the claims above and therefore rejected by Gong for the foregoing reasons.

As to claim 12, Gong teaches a data structure for storing information relative to speech recognition category, comprising:

A first voice field which when recognized will cause the category to become active;

A grammar field indicating a set of grammars for use with in the category;

A visual cue field for indicating what word must be spoken by the user; and a general grammar (Fig.15, 24; section 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Budzinski (2004/0107088) see (Par.0152, 0154, 0357).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626

Application Number**Application/Control No.**

10/799,356

**Applicant(s)/Patent under
Reexamination**

CHAMBERS ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626